the rights and protections of eleven labor, employment, and public access laws to the Legislative Branch. Sections 204–206 of the CAA explicitly cover the General Accounting Office (''GAO'') and the Library of Congress (''Library''). These sections apply the rights and protections of the Employee Polygraph Protection Act of 1988 (''EPPA''), the Worker Adjustment and Retraining Notification Act (''WARN Act''), and section 2 of the Uniformed Services Employment and Reemployment Rights Act of 1994 (''USERRA'').

On October 1, 1997, the Executive Director of the Office of Compliance (''Office'') published a Notice of Proposed Rulemaking (''NPRM'') proposing to extend the Procedural Rules of the Office to cover GAO and the Library and their employees for purposes of proceedings involving alleged violations of sections 204–206, as well as proceedings involving alleged violations of section 207, which prohibits intimidation and retaliation for exercising rights under violations of section 207, which prohibits intimidation and retaliation for exercising rights under the CAA. 143 CONG. REC. S10291 (daily ed. Oct. 1, 1997). The Library submitted comments in opposition to adoption of the proposed amendments and raising questions of statutory construction. On January 28, 1998, the Executive Director published a Supplementary Notice of Proposed Rulemaking (''Supplementary NPRM'') requesting further comment on the issues raised by the Library. 144 CONG. REC. S86 (daily ed. Jan. 28, 1998). Comments in response to the Supplementary NPRM were submitted by GAO, the Library, a union of Library employees, and a committee of the House of Representatives.

The comments expressed divergent views as to the meaning of the relevant statutory provisions. The CAA extends rights, protections, and procedures only to certain defined ''employing offices'' and ''covered employees.'' The definitions of these terms in section 101 of the CAA, which apply throughout the CAA generally, omit GAO and the Library and their employees from coverage, but sections 204–206 of the CAA expressly include GAO and the Library and their employees within the definitions of ''employing office'' and ''covered employee'' for purposes of those sections. Two commenters argued that the provisions of sections 401–408, which establish the administrative and judicial procedures for remedying violations of sections 204–206, refer back to the definitions in section 101 ''without linking to the very limited coverage'' of the instrumentalities in sections 204–206, and therefore do not cover GAO and the Library and their employees. However, two other commenters argued to the contrary. One stated that, because employees of the instrumentalities were given the protections of sections 204–206, ''the concomitant procedural rights'' of sections 401–408 were also conferred on them; and the other commenter argued that construing the CAA to grant rights but not remedies would defeat the stated legislative purpose, ''since a right without a remedy is often no right at all.'' The four commenters also expressed divergent views about whether GAO and the Library and their employees, who were not expressly referenced by section 207, are nevertheless covered by the prohibition in that section against retaliation and reprisal for exercising applicable CAA rights.

Having considered that the comments received express such opposing views of the statute, the Executive Director has decided to terminate the rulemaking without adopting the proposed amendments and, instead, to recommend that the Office's Board of Directors prepare and submit to Congress legislative proposals to resolve questions raised by the comments.

In light of the statutory questions raised, it remains uncertain whether employees of GAO and the Library have the statutory right to use the administrative and judicial procedures under the CAA, and whether GAO and the Library may be charged as respondent or defendant under those procedures, where violations of sections 204–207 of the CAA are alleged. The Office will continue to accept any request for counseling or mediation and any complaint filed by a GAO or Library employee and/or alleging a violation by GAO or the Library. Any objection to jurisdiction may be made to the hearing officer or the Board under sections 405–406 or to the court during proceedings under sections 407–408 of the CAA. Furthermore, the Office will counsel any employee who initiates such proceedings that a question has been raised as to the Office's and the courts' jurisdiction under the CAA and that the employee may wish to preserve rights under any other available procedural avenues.

The Executive Director's decision announced here does not affect the coverage of GAO and the Library and their employees with respect to proceedings under section 215 of the CAA (which applies the rights and protections of the OSHAct) or *ex parte* communications. On February 12, 1998, the Executive Director, with the approval of the Board, published a Notice of Adoption of Amendments amending the Procedural Rules to include such coverage. 144 CONG. REC. S720 (daily ed. Feb. 12, 1998).

Signed at Washington, D.C., on this 12th day of May, 1998.

RICKY SILBERMAN,
Executive Director, Office of Compliance.

AMERICAN MISSILE PROTECTION ACT OF 1998

Mr. FAIRCLOTH. Mr. President, this morning, the Senate failed to invoke cloture on S. 1873, the American Missile Protection Act of 1998. The bill is simple and its purpose can be stated very easily by reciting Section 3 in its entirety. ''It is the policy of the United States to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate).''

Everyone knows that it is necessary to first vote to stop endless debate on a bill when a filibuster has been threatened, then, after cloture, we can have limited debate followed by a vote on the bill itself. From this morning's vote, it can be seen that more than 40 percent of my colleagues feel that it should be the policy of the United States to keep our citizens exposed to the risks of a ballistic missile attack.

Mr. President, I know that the Cold War is over. Unfortunately, although some would like to believe otherwise, this does not mean that we are one happy world, where all countries are working in mutual cooperation. It is no time for the United States to let down its guard or to cease doing everything possible to maintain our national security.

The nuclear testing in India this week should shake some sense into those calling for the U.S. to disarm itself of our nuclear deterrent capability, as if that would set an example to the rest of the world. We cannot ''uninvent'' nuclear weapons everywhere in the world. Therefore, we must do the next best thing—prepare our best defense.

During the Cold War standoff with the Soviet Union, we operated under a system known as MAD, for Mutually Assured Destruction. No country, back then, would attack us with a nuclear weapon because there was full realization that it would face certain annihilation because we could and would retaliate in kind, and with greater strength. MAD was never a completely risk-free strategy, though. We had to rely on the hope that other governments would act responsibly and not put their citizens in the path of a direct, retaliatory missile hit. This was the best we could do back then. MAD has outlived its usefulness today because we have the capability to protect ourselves better—we now have the ability to develop defensive technologies that can give us a system that will knock out a ballistic missile before it can land on one of our cities.

It should be clear to everyone that in today's more complicated world the threat of a ballistic missile attack is not confined to a couple of superpowers; there is a greater risk than ever before of a launch against the U.S., either by accident or design, from any of a number of so-called ''rogue'' nations. And, with the additional risk that chemical or biological weapons can be launched using the same ballistic missile technology as is used for nuclear weapons delivery, the threat is more widespread and we must defend against it.

Without National Missile Defense, there is a greater risk that an incident, even one involving chemical or biological weapons, could escalate into full scale nuclear war. If we must stick with a MAD strategy, we will have to retaliate once we identify a ballistic missile launch at the U.S. It would be much better to eliminate those missiles with a defensive system, and then determine what most appropriate response, diplomatic or military, we would undertake.

Ignoring that National Missile Defense can keep us from an escalating nuclear war, critics of the American Missile Protection Act, through twisted logic, say that if the U.S. builds a defensive capability, this will drive the world closer to a nuclear war. Their argument goes something like this—if we can defend against a ballistic missile attack, there is nothing that will stop us from striking another country first because we no longer have to worry about retaliation. As incredible as it may sound, they say that a National Missile Defense is actually an act of aggression.

In order to buy into such an argument, however, you have to first assume that the United States has been standing by, waiting to take over the world with its nuclear defensive arsenal, but the Soviet bear kept us in our cage. You would have to believe that

Americans have been so intent on spreading democracy around the world that we would attack any country that would not adopt our free system of government and force democracy upon its peoples.

No, Mr. President, building a National Missile Defense is not an act of aggression that would free us up to launch an unprovoked attack on other countries. It is an act of common sense in a dangerous world.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and one nomination which was referred to the Committee on Governmental Affairs.

(The nomination received today is printed at the end of the Senate proceedings.)

REPORT CONCERNING THE INDIAN NUCLEAR TESTS ON MAY 11, 1998—MESSAGE FROM THE PRESIDENT—PM 125

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

Pursuant to section 102(b)(1) of the Arms Export Control Act, I am hereby reporting that, in accordance with that section, I have determined that India, a non-nuclear-weapon state, detonated a nuclear explosive device on May 11, 1998. I have further directed the relevant agencies and instrumentalities of the United States Government to take the necessary actions to impose the sanctions described in section 102(b)(2) of that Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1998.*

REPORT CONCERNING THE NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT—PM 126

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

I hereby report to the Congress on developments since the last Presidential report of November 25, 1997, concerning the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979. This report is submitted pursuant to section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c). This report covers events through March 31, 1998. My last report, dated November 25, 1997, covered events through September 30, 1997.

1. There have been no amendments to the Iranian Assets Control Regulations, 31 CFR Part 535 (the ''IACR''), since my last report.

2. The Iran-United States Claims Tribunal (the ''Tribunal''), established at The Hague pursuant to the Algiers Accords, continues to make progress in arbitrating the claims before it. Since the period covered in my last report, the Tribunal has rendered one award. This brings the total number of awards rendered by the Tribunal to 585, the majority of which have been in favor of U.S. claimants. As of March 31, 1998, the value of awards to successful U.S. claimants paid from the Security Account held by the NV Settlement Bank was $2,480,897,381.53.

Since my last report, Iran has failed to replenish the Security Account established by the Algiers Accords to ensure payment of awards to successful U.S. claimants. Thus, since November 5, 1992, the Security Account has continuously remained below the $500 million balance required by the Algiers Accords. As of March 31, 1998, the total amount in the Security Account was $125,888,588.35, and the total amount in the Interest Account was $21,716,836.85. Therefore, the United States continues to pursue Case No. A/28, filed in September 1993, to require Iran to meet its obligation under the Algiers Accords to replenish the Security Account.

The United States also continues to pursue Case No. A/29 to require Iran to meet its obligation of timely payment of its equal share of advances for Tribunal expenses when directed to do so by the Tribunal. Iran filed its Rejoinder in this case on February 9, 1998.

3. The Department of State continues to respond to claims brought against the United States by Iran, in coordination with concerned government agencies.

On January 16, 1998, the United States filed a major submission in Case No. B/1, a case in which Iran seeks repayment for alleged wrongful charges to Iran over the life of its Foreign Military Sales (FMS) program, including the costs of terminating the program. The January filing primarily addressed Iran's allegation that its FMS Trust Fund should have earned interest.

Under the February 22, 1996, settlement agreement related to the Iran Air case before the International Court of Justice and Iran's bank-related claims against the United States before the Tribunal (see report of May 16, 1996), the Department of State has been processing payments. As of March 31, 1998, the Department of State has authorized payment to U.S. nationals totaling $13,901,776.86 for 49 claims against Iranian banks. The Department of State has also authorized payments to surviving family members of 220 Iranian victims of the aerial incident, totaling $54,300,000.

During this reporting period, the full Tribunal held a hearing in Case No. A/11 from February 16 through 18. Case No. A/11 concerns Iran's allegations that the United States violated its obligations under Point IV of the Algiers Accords by failing to freeze and gather information about property and assets purportedly located in the United States and belonging to the estate of the late Shah of Iran or his close relatives.

4. U.S. nationals continue to pursue claims against Iran at the Tribunal. Since my last report, the Tribunal has issued an award in one private claim. On March 5, 1998, Chamber One issued an award in *George E. Davidson* v. *Iran*, AWD No. 585–457–1, ordering Iran to pay the claimant $227,556 plus interest for Iran's interference with the claimant's property rights in three buildings in Tehran. The Tribunal dismissed the claimant's claims with regard to other property for lack of proof. The claimant received $20,000 in arbitration costs.

5. The situation reviewed above continues to implicate important diplomatic, financial, and legal interests of the United States and its nationals and presents and unusual challenge to the national security and foreign policy of the United States. The Iranian Assets Control Regulations issued pursuant to Executive Order 12170 continue to play an important role in structuring our relationship with Iran and in enabling the United States to implement properly the Algiers Accords. I shall continue to exercise the powers at my disposal to deal with these problems and will continue to report periodically to the Congress on significant developments.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 13, 1998.*

MESSAGES FROM THE HOUSE

At 1:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1021. An act to provide for a land exchange involving certain National Forest System lands within the Routt National Forest in the State of Colorado.

H.R. 2217. An act to extend the deadline under the Federal Power Act applicable to the construction of FERC Project Number 9248 in the State of Colorado, and for other purposes.

H.R. 2841. An act to extend the time required for the construction of a hydroelectric project.

H.R. 2886. An act to provide for a demonstration project in the Stanislaus National Forest, California, under which a private contractor will perform multiple resource management activities for that unit of the National Forest System.

H.R. 3723. An act to authorize funds for the payment of salaries and expenses of the Patent and Trademark Office, and for other purposes.